

**REMARKS**

In light of the following remarks and above amendments, reconsideration and allowance of this application are respectfully requested.

It is submitted that these claims, as originally presented, are patentably distinct over the prior art cited by the Examiner, and that these claims were in full compliance with the requirements of 35 U.S.C. §112. Changes to these claims, as presented herein, are not made for the purpose of patentability within the meaning of 35 U.S.C. §101, §102, §103 or §112. Rather, these changes are made simply for clarification and to round out the scope of protection to which Applicants are entitled.

Claims 2-23, 25-46, 48-69 and 71-83, and amended claims 1, 24, 47 and 70 are in this application.

At paragraph 2 of the Office Action, the Examiner rejected claims 1-5, 8, 9, 17-20, 22-28, 31, 32, 40-43, 45-51, 54, 55, 63-66 and 68-72 under 35 U.S.C. 102(b) as being anticipated by Kuba et al. (U.S. Patent No. 5,806,072).

Amended independent claim 1 recites in part as follows:

“control means for controlling said data reading-and-writing apparatus so as ... to **recognize and handle data in a non-conforming format, which differs from the conforming format, by referring to a directory name of the directory which is in a root directory other than the predetermined directory of the recording medium**, wherein said data in non-conforming format is data that is incapable of being processed by said reading-and-writing apparatus...”

It is respectfully submitted that Kuba as applied by the Examiner (hereinafter “Kuba”) does not appear to teach the above-described feature. That is, Kuba discloses that “the header information of the file ... is read out, and a check is made as to whether the file identifier

as file attribute information is known, i.e., whether it indicates image data which can be reproduced in the SMC.” (See col. 27, lines 24-27.) As such, the method of Kuba appears to check the header information of all files, whereas, in amended claim 1, non-conforming files are recognized by “referring to a directory name of the directory which is in a root directory other than the predetermined directory of the recording medium.” Therefore, amended independent claim 1 is believed to be distinguishable from Kuba.

For similar reasons, it is also believed that amended independent claims 24, 47 and 70 are also distinguishable from Kuba.

Further, claims 2-5, 8, 9, 17-20, 22, 23, 25-28, 31, 32, 40-43, 45, 46, 48-51, 54, 55, 63-66, 68, 69, 71 and 72 are dependent from one of amended independent claims 1, 24, 47 and 70, and due to such dependency are believed to be distinguishable over Kuba as applied by the Examiner for at least the reasons described above.

At paragraph 16 of the Office Action, the Examiner rejected claims 6, 7, 29, 30, 52, 53, 73 and 74 under 35 U.S.C. 103(a) as being unpatentable over Kuba et al. (U.S. Patent No. 5,806,072).

Claims 6, 7, 29, 30, 52, 53, 73 and 74 are dependent from one of amended independent claims 1, 24, 47 and 70 and, due to such dependency, are also believed to be distinguishable from Kuba for at least the reasons previously described.

At paragraph 18 of the Office Action, the Examiner rejected claims 21, 44, 67 and 83 under 35 U.S.C. 103(a) as being unpatentable over Kuba et al. (U.S. Patent No. 5,806,072) in view of Ando et al. (U.S. Patent No. 6,341,196).

Claims 21, 44, 67 and 83 are dependent from one of amended independent claims 1, 24, 47 and 70 and, due to such dependency, are also believed to be distinguishable from Kuba

for at least the reasons previously described. The Examiner does not appear to rely on Ando to overcome the described deficiency of Kuba. Therefore, claims 21, 44, 67 and 83 are believed to be distinguishable from the applied combination of Kuba and Ando.

At paragraph 20 of the Office Action, the Examiner rejected claims 11-15, 34-38, 57-61, 78 and 79 under 35 U.S.C. 103(a) as being unpatentable over Kuba et al. (U.S. Patent No. 5,806,072) in view of Walters et al. (U.S. Patent No. 6,453,281).

Claims 11-15, 34-38, 57-61, 78 and 79 are dependent from one of amended independent claims 1, 24, 47 and 70 and, due to such dependency, are also believed to be distinguishable from Kuba for at least the reasons previously described. The Examiner does not appear to rely on Walters to overcome the described deficiency of Kuba. Therefore, claims 11-15, 34-38, 57-61, 78 and 79 are believed to be distinguishable from the applied combination of Kuba and Walters.

At paragraph 22 of the Office Action, the Examiner rejected claims 16, 39 and 62 under 35 U.S.C. 103(a) as being unpatentable over Kuba et al. (U.S. Patent No. 5,806,072) in view of Takayanagi (U.S. Patent No. 5,251,297).

Claims 16, 39 and 62 are dependent from one of amended independent claims 1, 24, 47 and 70 and, due to such dependency, are also believed to be distinguishable from Kuba for at least the reasons previously described. The Examiner does not appear to rely on Takayanagi to overcome the described deficiency of Kuba. Therefore, claims 16, 39 and 62 are believed to be distinguishable from the applied combination of Kuba and Takayanagi.

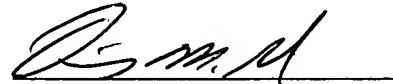
In the event that the Examiner disagrees with any of the foregoing comments concerning the disclosures in the cited prior art, it is requested that the Examiner indicate where in the reference or references, there is the bases for a contrary view.

In view of the foregoing remarks, it is believed that all of the claims in this application are patentable over the prior art, and early and favorable consideration thereof is solicited.

Please charge any fees incurred by reason of this response and not paid herewith to Deposit Account No. 50-0320.

Respectfully submitted,  
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